

A bill for an act

relating to energy; regulating certain hydropower facilities; amending Minnesota Statutes 2008, section 103G.535, subdivision 4.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2008, section 103G.535, subdivision 4, is amended to read:

Subd. 4. **Municipality or town approval.** (a) If the dam, dam site, or power generation plant is located in or contiguous to a municipality or town, other than the lessor political subdivision, the lease or agreement is not effective unless it is approved by the governing body of the municipality or town.

(b) If a hydroelectric facility has a capacity of less than 100 megawatts and has been granted a license, or amended license under part 1 of the Federal Power Act, by the Federal Energy Regulatory Commission for a facility located on land owned by a municipal board or political subdivision of the state, the municipal board or political subdivision shall, within 180 days from the later of the effective date of this paragraph or the date the federal license was granted, provide for a lease for development and operation of the facility. Municipality approval under paragraph (a) is not required for facilities described in this paragraph.

**EFFECTIVE DATE.** This section is effective the day following final enactment.